

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

UNITED STATES OF AMERICA,)
Plaintiff,)

v.)

EXXONMOBIL OIL CORPORATION,)
Defendant.)

Civ. No. 1:19-cv-00121-MAC

Judge Marcia A. Crone

**JOINT MOTION TO APPROVE AND ENTER
JOINT STIPULATION TERMINATING CONSENT DECREE**

Plaintiff, the United States of America (“United States”), on behalf of the United States Environmental Protection Agency, and Defendant, ExxonMobil Oil Corporation, respectfully moves this Court to approve and enter the attached Joint Stipulation Terminating Consent Decree in order to terminate the Consent Decree in this action (ECF No. 5).

1. The Consent Decree was entered into by the parties to resolve allegations by Plaintiff that Defendant had violated various requirements of Section 112(r) of the Clean Air Act, 42 U.S.C. § 7412(r), and implementing regulations.

2. Defendant entered into the Consent Decree without any admission of fact or liability and agreed to pay a civil penalty of \$616,492.12, implement various compliance requirements, arrange for an independent third party verification audit concerning compliance, and complete a supplemental environmental project by procuring and delivering an incident command vehicle to the City of Beaumont Fire and Rescue Service, among other terms and conditions.

3. On May 3, 2019, the Court signed and entered the Consent Decree, and Defendant began complying with the requirements of the Consent Decree.

4. Paragraphs 88 and 89 of the Consent Decree provides as follows with respect to termination:

88. After Defendant has completed the requirements of Section VI (Compliance Requirements), has demonstrated satisfactory compliance with this Consent Decree, has complied with all other requirements of this Consent Decree, including those relating to the Independent Third Party Verification/Audit required by Section VII, and has paid the civil penalty and any accrued stipulated penalties as required by this Consent Decree, Defendant may serve upon the United States a Request for Termination, stating that Defendant has satisfied those requirements, together with all necessary supporting documentation.

89. Following receipt by the United States of Defendant's Request for Termination, the Parties shall confer informally concerning the Request and any disagreement that the Parties may have as to whether Defendant has satisfactorily complied with the requirements for termination of this Consent Decree. *If the United States agrees that the Decree may be terminated, the Parties shall submit for the Court's approval a joint stipulation terminating the Decree.* Section XIII (Information Collection and Retention) shall survive termination.

(Emphasis added).

5. On September 11, 2020, Defendant served on the United States its Request for Termination and certified that it had completed the requirements of the Consent Decree.

6. On October 21, 2020, after a thorough review, the United States agreed that Defendant had completed the requirements of the Consent Decree.

7. Therefore, the parties entered into the attached Joint Stipulation Terminating the Consent Decree, as provided in Paragraph 89, which is subject to approval and entry by the Court.

NOW THEREFORE, based on Defendant's completion of the requirements of the Consent Decree, and the United States' review and agreement that Defendant has completed the

requirements of the Consent Decree, Plaintiff respectfully request that the Court approve and enter the attached Joint Stipulation Terminating the Consent Decree.

**FOR PLAINTIFF THE UNITED STATES
OF AMERICA**

JONATHAN D. BRIGHTBILL

Principal Deputy Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice

/s/ Christopher B. Witwer

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CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2020, a copy of the JOINT MOTION TO APPROVE AND ENTER JOINT STIPULATION TERMINATING CONSENT DECREE in the above-captioned case was filed and served through the Court's electronic case filing system.

/s/ Christopher B. Witwer

CHRISTOPHER B. WITWER, Trial Attorney